

1 **DAVID Z. CHESNOFF, ESQ.**
Nevada Bar No. 2292
2 **RICHARD A. SCHONFELD, ESQ.**
Nevada Bar No. 6815
3 **ROBERT Z. DEMARCO, ESQ.**
Nevada Bar No. 12359
4 **CHESNOFF & SCHONFELD**
520 South Fourth Street
5 Las Vegas, Nevada 89101
6 Tel.: (702) 384-5563
Attorneys for Defendant James Catledge

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 **SECURITIES AND EXCHANGE**
10 **COMMISSION,**

11 **Plaintiff,**

12 **vs.**

13 **JAMES B. CATLEDGE, DEREK F.**
14 **ELLIOTT, EMI RESORTS (S.V.G) INC,**
15 **a ST. VINCENT AND GRENADINES**
16 **CORPORATION, EMI SUN VILLAGE,**
17 **INC., a Turks and Caicos Islands**
18 **Corporation, and SUN VILLAGE JUAN**
19 **DOLIO, INC., a Turks and Caicos Islands**
20 **Corporation,**

21 **Defendants.**

22 **and**

23 **D.R.C.I. TRUST, a Cook Islands trust,**

24 **Relief Defendant**

2:12-CV-00887-JCM-NJK

SIXTH JOINT STATUS REPORT

25 Plaintiff United States Securities & Exchange Commission (“the Commission”) and
26 Defendant James Catledge (“Catledge”), through their undersigned counsel, hereby submit the
27 following Sixth Joint Status Report as directed by the Court’s Orders dated February 24, 2016
28 and December 21, 2012.

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1 On December 21, 2012, Magistrate Robert J. Johnston signed an Order granting a stay in
2 the above-entitled case pending the resolution of the criminal charges against Mr. Catledge in case
3 number 3:12-cr-00678 (*United States v. James Catledge, et al.*), which is currently pending in the
4 Federal District Court for the Northern District of California ("the criminal case"). The
5 government has previously stipulated that the criminal case "is complex because it involves
6 complicated financial transactions conducted over a period of several years and voluminous
7 discovery." See Exhibit 1.

8 On June 18, 2013, the parties as stated herein filed the First Joint Status Report (Doc.
9 #26). Per said report, the parties were to file another Joint Status Report by December 20, 2013.

10 On November 19, 2013, Judge Maxine Chesney in the Northern District of California
11 granted a Stipulation and Order to continue the status hearing until January 22, 2014 in the
12 criminal case. Said Stipulation and Order was entered into for the following reasons: 1) AUSA
13 Robert Rees was assigned to the case in early November 2013, and replaced former AUSA
14 Jonathan Schmidt who went into private practice; 2) Discovery in this matter is voluminous; 3)
15 A delay in the Status Hearing would allow Mr. Rees to become familiar with the evidence in the
16 case, so that Mr. Rees and the undersigned defense counsel could meaningfully interact prior to
17 the next status hearing.

18 On December 18, 2013, the parties filed their Second Joint Status Report (Doc. #27). Per
19 said report, the parties were to file another Joint Status Report by June 30, 2014.

20 On April 2, 2014, there was a status check in the criminal case. The court set a briefing
21 schedule for dispositive motions, and a hearing date for oral argument on dispositive motions in
22 the criminal case was set for July 30, 2014. The parties in the criminal case stipulated to a brief
23 continuance of said motion, and on August 13, 2014, at a hearing, the district court in the criminal
24 case denied Mr. Catledge's Motion to Dismiss Indictment.

25 On June 27, 2014, the parties filed their Third Joint Status Report (Doc. #30). Per said
26 report, the parties were to file another Joint Status Report by January 15, 2015.

27 On August 27, 2014, co-defendant Derek Elliott, made his initial appearance in the
28 criminal case, and entered a change of plea to guilty that same day.

1 On January 12, 2015, the parties filed their Fourth Joint Status Report (Doc. #33). Per
2 said report, the parties were to file another Joint Status Report by July 15, 2015.

3 On June 24, 2015, the court in the criminal case heard argument on Mr. Catledge's
4 Supplemental Motion to Dismiss Indictment. The court denied said motion without prejudice.
5 *See id.* The court set an initial trial date for May 2, 2016.

6 On July 9, 2015, the parties filed their Fifth Joint Status Report. (Doc #34). Per the report,
7 the parties were to file another Joint Status Report on or before June 27, 2016.

8 On February 10, 2016, in the criminal case, the Honorable Senior Judge Maxine Chesney
9 entered an order approving the parties stipulation to continue the trial date and status hearing. A
10 copy of said stipulation and order is attached hereto as Exhibit 2.

11 Said stipulation was entered into in part because 1) there has been a delay in the parties
12 taking the foreign deposition of Thomas Uehli, which the government has previously agreed on
13 the record is a material witness in the criminal case; and 2) the government is providing
14 significant additional discovery to the defense. *See id.*

15 Pursuant to the attached stipulation and order, a status hearing in the criminal case is set
16 for June 22, 2016 at 2:15 p.m. *See id.* A pretrial conference is currently set for October 11, 2016
17 at 10:00 a.m. *See id.* The trial in the criminal case is currently set to begin on October 24, 2016,
18 at 9:00 a.m. *See id.* The trial is anticipated to last 4-6 weeks.

19 On February 24, 2016, this Honorable Court issued an Order requesting that a status report
20 be filed by March 2, 2016, with status reports to be filed every 90 days thereafter.

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1 If there is a dispositive resolution reached in the aforementioned criminal case, the parties
2 will notify this Honorable Court within ten (10) days thereafter.

3 Dated this 29th day of February, 2016.

Dated this 29th day of February, 2016

4 **SECURITIES & EXCHANGE COMMISSION**

CHESNOFF & SCHONFELD

5
6 ///s///
7 **DANIEL WADLEY, ESQ.**
Utah Bar No. 10358
351 S. West Temple, Suite 6.100
Salt Lake City, Utah 84101
8 Attorney for Plaintiff

///s///
9 **DAVID Z. CHESNOFF, ESQ.**
Nevada Bar No. 2292
10 **RICHARD A. SCHONFELD, ESQ.**
Nevada Bar No. 6815
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Las Vegas, Nevada 89101
Tel.: (702) 384-5563
13 Attorneys for Defendant James Catledge

14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on the 29th day of February, 2016, I served a true and correct
16 copy of the foregoing, SIXTH JOINT STATUS REPORT, via the ECF system.

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18 /s/ Camie Linnell
19 Camie Linnell
20 an employee with Chesnoff & Schonfeld
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